

REMARKS

I. Summary of the Examiner's Action

A. Claim Rejections

As set forth in item # 1 on page 2 of the October 6 Pre-Interview Communication, claims 54, 60 – 63, 67 and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,247,048 to Greer *et al.* (hereinafter “Greer” or “the Greer patent”) in view of United States Patent No. 7,116, 970 to Brusilovsky *et al.* (hereinafter “Brusilovsky” or “the Brusilovsky reference”).

As set forth in item # 2 on page 2 of the October 6 Pre-Interview Communication, claims 55 – 58 and 64 – 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Greer in view of Brusilovsky, and further in view of United States Patent No. 6,618,763 to Steinberg (hereinafter “Steinberg” or “the Steinberg patent”).

As set forth in item # 3 on page 2 of the October 6 Pre-Interview Communication, claim 59 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Greer in view of Brusilovsky and further in view of United States Patent Application Publication No. 2002/0023092 to Tamura *et al.* (hereinafter “Tamura” or “the Tamura application”).

These rejections are respectfully disagreed with, and are traversed below.

II. Applicant's Response – Claim Rejections

A. Rejection of Claims 54, 60 – 63, 67 and 68
under 35 U.S.C. § 102(b)

Applicant reproduces claim 1 here as a convenience to the Examiner (emphasis added):

54. A content delivery method comprising:
establishing a set of user preferences related to delivery of content,
receiving at an agent a request from a terminal connected to a network;
at the agent, sourcing content in response to receiving the request; and
at the agent, selecting, based on said set of user preferences, a network
over which to deliver said content from the agent to the terminal;
delivering the content from the agent to the terminal over the selected
network.

Applicant respectfully submits that the relied-upon art, whether taken singly or in combination, is not seen to disclose or suggest the emphasized subject matter of claim 1.

In particular, the Greer patent describes a method for allowing a mobile device or terminal, using a particular character set, to access content from a source using a different character set. The content from the source is transcoded in a proxy server or agent which is provided as an intermediary between an internet host and the mobile device (column 3, line 66 – column 4, line 1). The mobile device is connected to the proxy server via a carrier network such as GSM, GPRS etc. Once the content has been transcoded in the

proxy server it is sent to the mobile device over the carrier network. The proxy server does not select “a network over which to deliver said content from the agent to the terminal” as is claimed in claim 54. Consequently, Greer does not disclose “delivering the content from the agent to the terminal over the selected network”.

The Brusilovsky patent describes a method for administering a selection between a 2G/3G network and a WLAN by which to send content to a mobile device (column 1, lines 53 – 56). The mobile device includes a client running on a mobile communications device e.g., a PDA (column 3, lines 9 – 12). The client is programmed with, or has access to, a set of user preferences which regulate the selection between the 2G/3G network and WLAN and the network selection process is administered by the client (column 4, lines 46 – 52). Claim 54 recites “at the agent, selecting, based on ... user preferences, a network over which to deliver ... content from the agent to the terminal”. In contrast, Brusilovsky discloses that network selection occurs at the mobile device.

For the foregoing reasons, Applicant respectfully submits that claim 54 is patentable over the art of record. Independent claim 67 is patentable for reasons similar to claim 54. Applicant therefore respectfully requests that the rejection of independent claims 54 and 67 be withdrawn as well. Applicant respectfully submits that dependent claims 60 – 63 and 68 are allowable both as depending from allowable base claims as set forth for the foregoing reasons and for reasons having to do with their independently-recited features.

B. Rejection of Remiaing Claims under 35 U.S.C. § 103(a)

Applicant submits that none of the art of record remedies the deficiencies identified above with respect to the primary rejection. Accordingly, Applicant respectfully requests that the rejection of claims under 35 U.S.C. § 103(a) be withdrawn.

III. Conclusion

Applicant submits that in light of the foregoing remarks the application is now in condition for allowance. Applicant therefore respectfully requests that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

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Date

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November 6, 2008 David M. O'Neill
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